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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/690,424	10/21/2003	Lisa LeMinh	KCC 4981	3822
321	7590	04/05/2006	EXAMINER	
SENNIGER POWERS ONE METROPOLITAN SQUARE 16TH FLOOR ST LOUIS, MO 63102			HAND, MELANIE JO	
			ART UNIT	PAPER NUMBER
			3761	

DATE MAILED: 04/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

SP

Office Action Summary	Application No. 10/690,424	Applicant(s) LEMINH ET AL.	
	Examiner Melanie J. Hand	Art Unit 3761	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments, see Remarks, filed January 19, 2006, with respect to the rejection(s) of claim(s) 1-18 under 35 U.S.C. 102 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of a different interpretation of a previously applied reference.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen et al (U.S. Patent No. 6,695,827).

With respect to **Claim 1**: Chen teaches sanitary napkin 70 (Fig. 4) having longitudinal and lateral axes, backsheet 82, and an absorbent core comprised of central absorbent member 78 and outer absorbent member 74 with wicking portions 71 disposed on either side of member 78 so as to be transversely opposed to one another. (Col. 20, lines 27-32) Wicking members 71 span substantially the entire length of napkin 70 connecting the two longitudinally opposed end regions. Napkin 70 is further comprised of a topsheet 85 and backsheet 82 (Fig. 5) (Col. 20, lines 54,55,66) Chen teaches attachment points 91 wherein the absorbent material is attached to backsheet 82. (Col. 21, lines 48-51) Central absorbent member 78 and outer absorbent member 74 each have an inherent width that is capable of being determined by the Securement

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Zone Measuring Method as set forth by Applicant. Chen teaches adding foam shape-defining components present in addition to the absorbent core material in the crotch region (Col. 12, lines 39-42) and, while Chen does not explicitly teach a shape of varying width, it would be obvious to one of ordinary skill in the art to choose any alternate foam shaping component with a different shape including a shape having a greater width at a central portion than at longitudinally outward portions as such an element could be added with a reasonable expectation of success.

With respect to **Claims 2-5**: With respect to Claims 2-4, Chen teaches that the length of member 78 can be from 2 cm to 6 cm and the length of napkin 70 can be between 15-30 cm, therefore the average length of member 78 is between 7-60%. With respect to Claim 5, since the length of napkin 70 ranges from 15-30 cm and member 78 ranges in length from 2 to 6 cm, an end boundary of member 78 will be spaced from an end of the absorbent article by a distance of between 0 and 14 cm, or between 0% and 93% of the length of napkin 70.

With respect to **Claim 6**: Chen teaches that there are attachment points outside the crotch region that attach central absorbent member 78 to the backsheet. (Col. 3, lines 55-57)

With respect to **Claim 7**: Chen teaches that the adhesives disposed in backsheet 82 are comprised of hot melt adhesives added to the absorbent article while molten (Col. 15, lines 13-17), said article being comprised of a meltblown layer. (Col. 13, lines 45-50)

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With respect to **Claim 8,17**: Chen teaches that central absorbent member 78, which would define the central portion of a securement zone as such zone is defined by applicant (i.e. item 112 having width W_c), has outer portions that each extend into respective ends of napkin 70.

With respect to **Claims 9-12**: Chen teaches that napkin 70 has a transverse width between 4-8 cm and that central absorbent member 78 has a width between 2-6 cm, therefore the outer boundaries of central absorbent member 78 and thus also the attachment point 44 to the backsheet, are disposed at least 1" away from the outer edges of napkin 70, and the width of member 78 is between 25% and 75% of the width of napkin 70.

With respect to **Claim 13**: Chen teaches that central absorbent 78 contains a small amount of adhesive for product integrity, but does not explicitly teach attaching central member 78 to the topsheet. (Col. 6, lines 41-46) Examiner asserts that it would therefore be obvious to one of ordinary skill in the art to apply adhesive between the central absorbent member and the topsheet as this application would promote structural integrity.

With respect to **Claim 14**: Chen teaches that wicking members 71 are formed from backsheet material that is stretched so as to rise above the plane of the backsheet into the wicking barrier zone 71, therefore the backsheet 82 is stretchable.

With respect to **Claim 16**: Chen teaches that the absorbent material is comprised of any material well-known in the art (Col. 9, lines 18-24), substantially all of which are also known to be nonstretchable.

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With respect to **Claim 18**: As stated with respect to Claims 2-5 and 9-12, Chen teaches ranges for the distance between the outer edge of member 78 and a longitudinally opposed end of napkin 70, therefore said member 78 is capable of being positioned nearer said one of longitudinally opposed edges of napkin 70.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chen et al ('827) in view of Hamilton et al (U.S. Patent No. 6,667,424).

With respect to **Claim 15**: Chen does not teach that either topsheet 85 or backsheet 82 is elastic. Hamilton teaches an absorbent article 20 comprised of backsheet 26 that is elastically extensible (Col. 30, lines 15-18). Hamilton defines elastically extensible as synonymous with elastically stretchable (Col. 4, lines 37,38). Hamilton teaches that any material known in the art for this purpose can be used, therefore it would be obvious to construct the backsheet 82 of Chen of this material as taught by Hamilton as the material, as well as its use, is also well known in the art and elastic materials are well known for providing increased flexibility and comfort to the user during wear.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melanie J. Hand whose telephone number is 571-272-6464. The examiner can normally be reached on Mon-Thurs 8:00-5:30, alternate Fridays 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tatyana Zalukaeva can be reached on 571-272-1115. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Melanie J Hand
Examiner
Art Unit 3761

MJH

TATYANA
PRIMARY EXAMINER

TATYANA ZALUKAEVA
PRIMARY EXAMINER

